

1 DIANA CLINE EBRON, Esq.
2 Nevada Bar No. 10580
3 E-mail: diana@kgelegal.com
4 JACQUELINE A. GILBERT, Esq.
5 Nevada Bar No. 10593
6 E-mail: jackie@kgelegal.com
7 KAREN L. HANKS, Esq.
8 Nevada Bar No. 9578
9 E-mail: karen@kgelegal.com
10 KIM GILBERT EBRON
11 7625 Dean Martin Drive, Suite 110
12 Las Vegas, Nevada 89139
13 Telephone: (702) 485-3300
14 Facsimile: (702) 485-3301
15 *Attorneys for SFR Investments Pool 1, LLC*

16 **UNITED STATES DISTRICT COURT**

17 **DISTRICT OF NEVADA**

18 DEUTSCHE BANK NATIONAL TRUST
19 COMPANY, AS TRUSTEE FOR DSLA
20 MORTGAGE LOAN TRUST MORTGAGE
21 LOAN PASS-THROUGH CERTIFICATES,
22 SERIES 2006-AR2,

23 Plaintiff,

24 vs.

25 SFR INVESTMENTS POOL 1, LLC, a
26 Nevada Limited Liability Company; and
27 DAYBREAK GARDENS PROPERTY
28 OWNERS ASSOCIATION,

Defendants.

19 SFR INVESTMENTS POOL 1, LLC,

20 Counter/Cross Claimant,

21 vs.

22 DEUTSCHE BANK NATIONAL TRUST
23 COMPANY, AS TRUSTEE FOR DSLA
24 MORTGAGE LOAN TRUST MORTGAGE
25 LOAN PASS-THROUGH CERTIFICATES,
26 SERIES 2006-AR2; WILLIAM B. PARKER,
27 an individual; CYNTHIA M. PARKER, an
28 individual,

Counter/Cross Defendants.

29 Defendant/Counterclaimant/Cross-Claimant, SFR INVESTMENTS POOL 1, LLC

1 (“SFR”), Defendant DAYBREAK GARDENS PROPWERS OWNERS ASSOCIATION
2 (“Association”) and Plaintiff/Counter-Defendant, DEUTSCHE BANK NATIONAL TRUST
3 COMPANY, as Trustee for DEUTSCHE BANK NATIONAL TRUST COMPANY, AS
4 TRUSTEE FOR DSLA MORTGAGE LOAN TRUST MORTGAGE LOAN PASS-THROUGH
5 CERTIFICATES, SERIES 2006-AR2 (“Deutsche”), by and through their respective undersigned
6 counsel of record, hereby stipulate as follows:

- 7 1. This lawsuit involves the parties seeking quiet title/declaratory relief and other claims
8 related to a non-judicial homeowner’s foreclosure sale conducted on a Property pursuant
9 to NRS Chapter 116.
- 10 2. On August 12, 2016, the Ninth Circuit issued its decision in *Bourne Valley Court Tr. v.*
11 *Wells Fargo Bank, N.A.*, 832 F.3d 1154, 1159-60 (9th Cir. 2016) holding that NRS Chapter
12 116 is facially unconstitutional.
- 13 3. On January 26, 2017, the Nevada Supreme Court issued its decision in *Saticoy Bay LLC*
14 *Series 350 Durango 104 v. Wells Fargo Home Mortgage, a Div. of Wells Fargo Bank*,
15 N.A., 133 Nev. Adv. Op. 5, ___ P.3d ___, 2017 WL 398426 (Nev. Jan. 26, 2017), holding,
16 in direct contrast to *Bourne Valley*, that no state action supported a challenge under the Due
17 Process Clause of the United States Constitution.
- 18 4. The parties dispute whether the *Saticoy Bay* decision by the Nevada Supreme Court
19 conflicts directly with Ninth Circuit’s ruling in *Bourne Valley*, making the issue appropriate
20 for consideration by the United States Supreme Court. *See* Sup. Ct. Rule 10(a) & (b)
21 (noting that the High Court will consider review when “a United States court of appeals
22 has . . . decided an important federal question in a way that conflicts with a decision by a
23 state court of last resort * * * [or] a state court of last resort has decided an important federal
24 question in a way that conflicts with the decision of . . . a United States court of appeals.”)
25 5. Bourne Valley Court Trust is seeking review of the Ninth Circuit’s *Bourne Valley* decision
26 by the United States Supreme Court. Bourne Valley Court Trust filed its petition for writ
27 of certiorari with the United States Supreme Court on April 3, 2017. *See Bourne Valley*
28 *Court Trust v. Wells Fargo Bank, NA.*, United States Supreme Court Case No. 16-1208.

1 6. Wells Fargo Home Mortgage, a Division of Wells Fargo Bank, N.A. (“Wells Fargo”) is
2 seeking review of the Nevada Supreme Court’s *Saticoy Bay* decision by the United States
3 Supreme Court. Wells Fargo’s deadline to file a petition for writ of certiorari is April 26,
4 2017.

5 7. On February 8, 2017, the Nevada Supreme Court in *Saticoy Bay* granted a stay of remittitur
6 to June 21, 2017 to permit Wells Fargo to file a petition for writ of certiorari with the United
7 States Supreme Court, and if a petition is filed, the stay of the remittitur will remain in
8 effect until final disposition of the certiorari proceedings before the United States Supreme
9 Court.

10 8. On April 6, 2017, Deutsche filed a Motion for Judgment on the Pleadings, or in the
11 Alternative, Motion for Summary Judgment. [ECF No. 29]. A Scheduling Order has not
12 yet issued.

13 9. The parties believe that the stay requested herein is appropriate.

14 10. The parties agree that all proceedings in the instant case, including responses to the motion
15 for judgment on the pleadings and any other motions, hearings and other litigation
16 deadlines, are stayed pending final resolution of the *Bourne Valley* and/or *Saticoy Bay*
17 certiorari proceedings before the United States Supreme Court.

18 11. SFR shall be required to keep current on all property taxes and assessments, HOA dues, to
19 maintain the property and to maintain insurance on the property at issue. SFR shall also
20 be required to provide proof of payment and insurance upon reasonable notice to counsel
21 for Wells Fargo.

22 12. SFR shall be prohibited from selling or encumbering the property unless otherwise ordered
23 by the Court.

24 13. Deutsche is prohibited from taking any action to enforce the subject deed of trust against
25 the property unless otherwise ordered by the Court.

26 ///

27 ///

28 ///

1 Any party may file a written motion to lift stay at any time for either party determines it
2 appropriate, and either party may file an opposition to the motion within fourteen (14) calendar
3 days after the written motion is filed with the Court.

4 DATED this 18th day of April, 2017.

5 **KIM GILBERT EBRON**

6 /s/Jacqueline A. Gilbert

7 Jacqueline A. Gilbert, Esq.
Nevada Bar No. 10593
8 Diana Cline Ebron, Esq.
Nevada Bar No. 10580
9 7625 Dean Martin Drive, Suite 110
Las Vegas, NV 89139
10 *Attorney for SFR Investments Pool 1, LLC*

DATED this 18th day of April, 2017.

WRIGHT, FINLAY & ZAK, LLP

/s/Natalie C. Lehman

Dana Jonathon Nitz, Esq.
Nevada Bar No. 0050
Natalie C. Lehman, Esq.
Nevada Bar No. 12995
7785 W. Sahara Ave., Suite 200
Las Vegas, NV 89117
11 *Attorney for Deutsche Bank National Trust
Company, as Trustee for DSLA Mortgage
12 Loan Trust Mortgage Loan Pass Through
Certificates, Series 2006-AR2*

13
14 DATED this 18th day of April, 2017.

15 **GORDON & REES LLP**

16 /s/Robert S. Larsen

17 Robert S. Larsen, Esq.
Nevada Bar No. 7785
18 Jon M. Ludwig, Esq.
Nevada Bar No. 3998
300 South Fourth Street, Suite 1550
19 Las Vegas, Nevada 89101
20 *Attorney for Daybreak Gardens Property
Owners Association*

21
22
23 **IT IS SO ORDERED.**

24 
25 RICHARD F. BOULWARE, II
United States District Judge

26 DATED: April 21, 2017.